

## INFORMATION DISCLOSURE STATEMENT

Applicant : Nagai et al.  
App. No : 10/588,428  
Filed : August 4, 2006  
For : FUNCTIONAL BEVERAGE AND COMPOSITION  
Examiner : Perreira, Mcilissa Jean  
Art Unit : 1618

## CERTIFICATE OF EFS WEB TRANSMISSION

I hereby certify that this correspondence, and any other attachment noted on the automated Acknowledgement Receipt, is being transmitted from within the Pacific Time zone to the Commissioner for Patents via the EFS Web server on:

February 18, 2009

(Date)

Neil S. Marfield, Ph.D., Reg. No. 39,901

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application is a PTO/SB/08 Equivalent listing 5 (five) references to be considered by the Examiner. Also enclosed are 5 (five) foreign patent references and/or non-patent literature as listed on the Information Disclosure Statement.

This Information Disclosure Statement is being filed before the mailing date of a final action and before the mailing date of a Notice of Allowance.

CERTIFICATION UNDER 37 C.F.R. § 1.97(e)(2)

I hereby certify that no item of information contained in this Statement was cited in a communication from a foreign Patent Office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

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Docket No. SHOBA6.001APC  
Customer No. 20,995

Thus, no fee is required as set forth in 37 C.F.R. § 1.97(c), however, the Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to Account No. 11-1410.

Respectfully submitted,

KNOBBLE, MARTENS, OLSON & BEAR, LLP

Dated:

2/18/09

By:

  
Neil S. Bartfield, Ph.D.  
Registration No. 39,901  
Patent Agent  
Customer No. 20,995  
(619) 235-8550

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